

Legislative Fiscal Office

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Joint Committee on Ways and Means

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Rep. Dan Rayfield, House Co-Chair

Sen. Jackie Winters, Senate Co-Vice Chair
Rep. David Gomberg, House Co-Vice Chair
Rep. Greg Smith, House Co-Vice Chair

To: Public Safety Subcommittee

From: Gregory Jolivette, Legislative Fiscal Office

Date: May 7, 2019

Subject: SB 5532 – Public Defense Services Commission
Work Session Recommendations

Public Defense Services Commission – Agency Totals

	2015-17 Actual	2017-19 Legislatively Approved	2019-21 Current Service Level	2019-21 LFO Recommended
General Fund	285,082,822	309,985,014	344,173,541	338,924,266
Other Funds	3,234,718	4,967,943	4,170,527	3,736,398
Total Funds	288,317,540	314,952,957	348,344,068	342,660,664
Positions	77	77	76	79
FTE	76.23	76.23	75.80	78.80

Appellate Division

- Approve \$603,237 General Fund for Appellate Division compensation adjustments. The aim of this modified package is to achieve parity, specifically as it relates to attorney compensation, between the Public Defense Services Commission and the Department of Justice. (Package 196)

Professional Services Account

- Reduce the General Fund appropriation to the Professional Services Account by \$7,000,000 on a one-time basis to meet spending targets established in the Co-Chairs' budget framework. (Package 801)

Contract and Business Services Division

- Approve \$261,678 General Fund and two positions (2.00 FTE) at the Operations and Policy Analyst 2 level to begin to identify and implement system changes designed to address contract oversight and quality assurance issues raised in the recent Sixth Amendment Center report. This package has a related budget note directing the Office of Public Defense Services to work with the Oregon Judicial Department and other stakeholders on this effort to improve indigent defense contract oversight. (Package 192)

- Approve \$322,000 General Fund to cover estimated lease expenses for approximately 6,500 usable square feet of office space. This will allow OPDS to take over a lease from the Board of Parole and provide the minimum standard of 250 square feet per employee. (Package 195)
- Provide \$263,810 General Fund for two limited duration Accounting Technician positions (2.00 FTE) to improve the timeliness of payment processing, and \$300,000 General Fund for IT contract services related to replacement of the existing financial management system. (Package 197) In connection with this package, the LFO recommends approval of a \$2,000,000 special purpose appropriation for acquisition of a new financial management system. A related budget note directs the Office of Public Defense Services to work with the LFO.

Adjustments to Current Service Level

See attached "Work Session Presentation Report."

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end of session bills.

Accept LFO Recommendation:

MOTION: I move the LFO recommendation to SB 5532. (VOTE)

OR

Change LFO Recommendation:

MOTION: I move the LFO recommendation to SB 5532, with modifications. (VOTE)

Performance Measures

See attached "Legislatively Proposed 2019-21 Key Performance Measures."

Accept LFO Recommendation:

MOTION: I move the LFO recommendation on Key Performance Measures. (VOTE)

OR

Change LFO Recommendation:

MOTION: I move the LFO recommendation on Key Performance Measures, with modifications. (VOTE)

Budget Notes

Budget Note #1: Quality Assurance

The Commission is directed to work collaboratively with the Oregon Judicial Department and other stakeholders to identify and begin implementing system changes to improve oversight of the Commission's public defense services contracts, specifically on indigent defense. The Commission is directed to report to the Joint Committee on Ways and Means during the 2020 legislative session on changes identified and/or implemented to address quality assurance issues raised in the 2019 report by the Sixth Amendment Center.

Budget Note #2: Financial Management System Replacement Project

The Public Defense Services Commission is directed to work closely with the Legislative Fiscal Office (LFO) and regularly report on the status of the Financial Management System Replacement Project throughout the lifecycle of the project and follow the Stage Gate review process as administered by the LFO. The Commission is further directed to (1) retain the services of qualified project manager(s) with experience in planning and managing projects of this type, scope and magnitude; (2) retain the services of business systems analyst(s) with demonstrated experience working on modernization programs of this type, scope and magnitude; (3) develop and update the Business Case and foundational project management documents as required; (4) work with LFO to acquire Independent Quality Management Services as required to conduct an initial risk assessment, perform quality control (QC) reviews on the Business Case, procurement documents and foundational project management documents as appropriate, and perform ongoing, independent quality management services as directed by the LFO; (5) submit the updated Business Case, project management documents, initial risk assessment, and QC reviews to LFO for Stage Gate Review; and, (6) report back to the Legislature on project status during the 2020 Annual Legislative Session and/or to interim Legislative committees.

Accept LFO Recommendation:

MOTION: I move the LFO recommendation on Budget Notes. (VOTE)

OR

Change LFO Recommendation (any changes must be approved by the co-chairs):

MOTION: I move the LFO recommendation on Budget Notes, with modifications. (VOTE)

Recommended Changes

LFO recommends a budget of \$338,924,266 General Fund, \$3,736,398 Other Funds, and 79 positions (78.80 FTE), which is reflected in the -1 amendment.

MOTION: I move adoption of the -1 amendment to SB 5532. (VOTE)

Final Subcommittee Action

LFO recommends that SB 5532, as amended by the -1 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move SB 5532, as amended, to the Full Committee with a do pass recommendation. (VOTE)

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____

LFO102 - Work Session Presentation Report
2019-21 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 40400-000-00-00-00000
Public Defense Svcs Comm

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2017-19 Agy. Leg. Adopted	299,983,918	-	4,954,313	-	-	-	304,938,231	77	76.23
2017-19 Ebds, SS & Admin Act	5,507,638	-	13,630	-	-	-	5,521,268	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2017-19 Leg Approved Budget	305,491,556	-	4,967,943	-	-	-	310,459,499	77	76.23
2017-19 Leg Approved Budget (Base)	305,425,556	-	4,967,943	-	-	-	310,393,499	77	76.23
Summary of Base Adjustments	3,190,372	-	113,614	-	-	-	3,303,986	(1)	(0.43)
2019-21 Base Budget	308,615,928	-	5,081,557	-	-	-	313,697,485	76	75.80
010: Non-PICS Pers Svc/Vacancy Factor	203,931	-	5,795	-	-	-	209,726	-	-
020: Phase In / Out Pgm & One-time Cost	5,682,359	-	(216,569)	-	-	-	5,465,790	-	-
030: Inflation & Price List Adjustments	17,485,865	-	(256)	-	-	-	17,485,609	-	-
040: Mandated Caseload	11,485,458	-	-	-	-	-	11,485,458	-	-
050: Fundshifts and Revenue Reductions	700,000	-	(700,000)	-	-	-	-	-	-
2019-21 Current Service Level	344,173,541	-	4,170,527	-	-	-	348,344,068	76	75.80
070: Revenue Reductions/Shortfall	-	-	(434,129)	-	-	-	(434,129)	(1)	(1.00)
Adjusted 2019-21 Current Service Level	344,173,541	-	3,736,398	-	-	-	347,909,939	75	74.80
Total LFO Recommended Packages	(5,249,275)	-	-	-	-	-	(5,249,275)	4	4.00
2019-21 Legislative Actions	338,924,266	-	3,736,398	-	-	-	342,660,664	79	78.80
Net change from 2017-19 Leg Approved Budget	33,432,710	-	(1,231,545)	-	-	-	32,201,165	2	2.57
Percent change from 2017-19 Leg Approved Budget	10.9%	0.0%	(24.8%)	0.0%	0.0%	0.0%	10.4%	2.6%	3.4%
Net change from 2019-21 Adj Current Service Level	(5,249,275)	-	-	-	-	-	(5,249,275)	4	4.00
Percent change from 2019-21 Adj Current Service Level	(1.5%)	0.0%	0.0%	0.0%	0.0%	0.0%	(1.5%)	5.3%	5.4%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2017-19 Agy. Leg. Adopted	18,079,912	-	-	-	-	-	18,079,912	58	57.23
2017-19 Ebds, SS & Admin Act	1,127,199	-	-	-	-	-	1,127,199	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2017-19 Leg Approved Budget	19,207,111	-	-	-	-	-	19,207,111	58	57.23
2017-19 Leg Approved Budget (Base)	19,207,111	-	-	-	-	-	19,207,111	58	57.23
Summary of Base Adjustments	2,347,247	-	-	-	-	-	2,347,247	(1)	(0.43)
2019-21 Base Budget	21,554,358	-	-	-	-	-	21,554,358	57	56.80
010: Non-PICS Pers Svc/Vacancy Factor	156,580	-	-	-	-	-	156,580	-	-
030: Inflation & Price List Adjustments	323,695	-	-	-	-	-	323,695	-	-
2019-21 Current Service Level	22,034,633	-	-	-	-	-	22,034,633	57	56.80
Adjusted 2019-21 Current Service Level	22,034,633	-	-	-	-	-	22,034,633	57	56.80
Total LFO Recommended Packages	603,237	-	-	-	-	-	603,237	-	-
2019-21 Legislative Actions	22,637,870	-	-	-	-	-	22,637,870	57	56.80
Net change from 2017-19 Leg Approved Budget	3,430,759	-	-	-	-	-	3,430,759	(1)	(0.43)
Percent change from 2017-19 Leg Approved Budget	17.9%	0.0%	0.0%	0.0%	0.0%	0.0%	17.9%	(1.7%)	(0.8%)
Net change from 2019-21 Adj Current Service Level	603,237	-	-	-	-	-	603,237	-	-
Percent change from 2019-21 Adj Current Service Level	2.7%	0.0%	0.0%	0.0%	0.0%	0.0%	2.7%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 196 Employee Compensation

Package Description This package provides a GF appropriation of \$603,237 for employee compensation adjustments in the Appellate Division. The aim of this package is to move toward parity, specifically as it relates to attorney compensation, between the Public Defense Services Commission and the Department of Justice.

LFO Recommendation Approve.

LFO Recommended	603,237	-	-	-	-	-	603,237	-	-
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LFO102 - Work Session Presentation Report
2019-21 Biennium

Version: L - 01 - LFO Analyst Recommended

Cross Reference: 40400-002-00-00-00000

Professional Services Account

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2017-19 Agy. Leg. Adopted	277,512,162	-	4,244,845	-	-	-	281,757,007	-	-
2017-19 Ebds, SS & Admin Act	3,429,077	-	-	-	-	-	3,429,077	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2017-19 Leg Approved Budget	280,941,239	-	4,244,845	-	-	-	285,186,084	-	-
2017-19 Leg Approved Budget (Base)	280,941,239	-	4,244,845	-	-	-	285,186,084	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2019-21 Base Budget	280,941,239	-	4,244,845	-	-	-	285,186,084	-	-
020: Phase In / Out Pgm & One-time Cost	6,132,359	-	(216,569)	-	-	-	5,915,790	-	-
030: Inflation & Price List Adjustments	17,045,281	-	-	-	-	-	17,045,281	-	-
040: Mandated Caseload	11,485,458	-	-	-	-	-	11,485,458	-	-
050: Fundshifts and Revenue Reductions	700,000	-	(700,000)	-	-	-	-	-	-
2019-21 Current Service Level	316,304,337	-	3,328,276	-	-	-	319,632,613	-	-
070: Revenue Reductions/Shortfall	-	-	(128,276)	-	-	-	(128,276)	-	-
Adjusted 2019-21 Current Service Level	316,304,337	-	3,200,000	-	-	-	319,504,337	-	-
Total LFO Recommended Packages	(7,000,000)	-	-	-	-	-	(7,000,000)	-	-
2019-21 Legislative Actions	309,304,337	-	3,200,000	-	-	-	312,504,337	-	-
Net change from 2017-19 Leg Approved Budget	28,363,098	-	(1,044,845)	-	-	-	27,318,253	-	-
Percent change from 2017-19 Leg Approved Budget	10.1%	0.0%	(24.6%)	0.0%	0.0%	0.0%	9.6%	0.0%	0.0%
Net change from 2019-21 Adj Current Service Level	(7,000,000)	-	-	-	-	-	(7,000,000)	-	-
Percent change from 2019-21 Adj Current Service Level	(2.2%)	0.0%	0.0%	0.0%	0.0%	0.0%	(2.2%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description This package reduces the General Fund appropriation to the Professional Services Account by \$7,000,000 to meet spending targets established in the Co-Chairs' budget framework.

LFO Recommendation Approve.

LFO Recommended	(7,000,000)	-	-	-	-	-	(7,000,000)	-	-
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LFO102 - Work Session Presentation Report
2019-21 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 40400-004-00-00-00000
Contract & Business Svcs. Div.

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2017-19 Agy. Leg. Adopted	4,391,844	-	709,468	-	-	-	5,101,312	19	19.00
2017-19 Ebds, SS & Admin Act	951,362	-	13,630	-	-	-	964,992	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2017-19 Leg Approved Budget	5,343,206	-	723,098	-	-	-	6,066,304	19	19.00
2017-19 Leg Approved Budget (Base)	5,277,206	-	723,098	-	-	-	6,000,304	19	19.00
Summary of Base Adjustments	843,125	-	113,614	-	-	-	956,739	-	-
2019-21 Base Budget	6,120,331	-	836,712	-	-	-	6,957,043	19	19.00
010: Non-PICS Pers Svc/Vacancy Factor	47,351	-	5,795	-	-	-	53,146	-	-
020: Phase In / Out Pgm & One-time Cost	(450,000)	-	-	-	-	-	(450,000)	-	-
030: Inflation & Price List Adjustments	116,889	-	(256)	-	-	-	116,633	-	-
2019-21 Current Service Level	5,834,571	-	842,251	-	-	-	6,676,822	19	19.00
070: Revenue Reductions/Shortfall	-	-	(305,853)	-	-	-	(305,853)	(1)	(1.00)
Adjusted 2019-21 Current Service Level	5,834,571	-	536,398	-	-	-	6,370,969	18	18.00
Total LFO Recommended Packages	1,147,488	-	-	-	-	-	1,147,488	4	4.00
2019-21 Legislative Actions	6,982,059	-	536,398	-	-	-	7,518,457	22	22.00
Net change from 2017-19 Leg Approved Budget	1,638,853	-	(186,700)	-	-	-	1,452,153	3	3.00
Percent change from 2017-19 Leg Approved Budget	30.7%	0.0%	(25.8%)	0.0%	0.0%	0.0%	23.9%	15.8%	15.8%
Net change from 2019-21 Adj Current Service Level	1,147,488	-	-	-	-	-	1,147,488	4	4.00
Percent change from 2019-21 Adj Current Service Level	19.7%	0.0%	0.0%	0.0%	0.0%	0.0%	18.0%	22.2%	22.2%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 192 Quality Assurance

Package Description This package provides a GF appropriation of \$261,678 and two positions at the Operations and Policy Analyst 2 level (2.00 FTE) to begin to address quality assurance issues raised in a recent review of the indigent defense services program.

LFO Recommendation Approve

LFO Recommended	261,678	-	-	-	-	-	261,678	2	2.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 195 OPDS Office Space Reconfiguration

Package Description This package provides a General Fund appropriation of \$322,000 to cover estimated lease expenses for approximately 6,500 usable square feet of office space.

LFO Recommendation Approve

LFO Recommended	322,000	-	-	-	-	-	322,000	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 197 OPDS Operational Needs

Package Description This package provides a GF appropriation of \$563,810. This amount consists of \$263,810 for two limited duration Accounting Technician 2 positions (2.00 FTE), and \$300,000 for IT contract services related to replacement of the existing financial management system.

LFO Recommendation Approve,

LFO Recommended	563,810	-	-	-	-	-	563,810	2	2.00
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Legislatively Proposed 2019 - 2021 Key Performance Measures

Published: 4/29/2019 1:15:01 PM

Agency: Public Defense Services Commission

Mission Statement:

Ensure the delivery of quality public defense services in Oregon in the most cost-efficient manner possible.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2020	Target 2021
1. APPELLATE CASE PROCESSING - Median number of days to file opening brief.		Approved	227	180	180
2. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	Timeliness	Approved	82%	95%	95%
	Accuracy		88%	95%	95%
	Availability of Information		74%	95%	95%
	Overall		82%	95%	95%
	Helpfulness		87%	95%	95%
	Expertise		81%	95%	95%
3. BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.		Approved	100%	100%	100%
4. TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases. (http://www.oregon.gov/OPDS/docs/CBS/ModelContractTerms/documents/ModKJan2014.pdf)		Approved	78%	90%	90%
5. PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).		Approved	67%	95%	95%

LFO Recommendation:

Approve the Key Performance Measures, and the Key Performance Measure targets, identified in the above table.

SubCommittee Action: